

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

J.S. and R.S. individually,
and on behalf of John S., a minor,

Plaintiffs,

-against-

THE NEW YORK CITY DEPARTMENT
OF EDUCATION,

Defendant

**PLAINTIFFS' NOTICE OF CROSS-
MOTION FOR SUMMARY
JUDGMENT**

ECF

Case No.: 15 CV 0355

Hon. Analisa Torres

PLEASE TAKE NOTICE that upon the annexed Plaintiffs' Memorandum of Law in Support of Summary Judgment, dated May 27, 2016, and Declaration of Lawrence Weinberg, dated May 27, 2016, Declaration of Nicole Robinson, dated May 25, 2016, and Declaration of Denise Lorelli, dated May 21, 2016 at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, on a date to be set by the Court, Plaintiffs will move this court for an order granting summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on the grounds that they were denied due process by the Impartial Hearing Officer and State Review Officer, reversing the September 26, 2014 decision by the State Review Officer, and remanding to a new impartial hearing officer to conduct a new impartial hearing to address whether John was provided with a free appropriate public education during the 2013-2014 school year, whether the Seton Foundation for Learning was appropriate for the child, and whether equities favored reimbursement, and granting said plaintiffs such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that upon the annexed documents enumerated above at such place and time enumerated above that Plaintiffs will oppose Defendant's Motion for Summary Judgment.

Respectfully submitted,

/s/
LAWRENCE D. WEINBERG (LW7841)
Attorney for Plaintiffs

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May 27, 2016

To: Son Le, Esq.
The City of New York Law Department
100 Church St.
New York, New York, 10007
Attorneys for Defendant

CERTIFICATION OF SERVICE

I, Lawrence D. Weinberg, **declare under penalty of perjury** that I have served a copy of the attached Plaintiffs' Notice of Cross-Motion For Summary Judgment And Opposition To Defendant's Motion For Summary Judgment, dated May 27, 2016, Plaintiffs' Memorandum of Law in Support of Cross-Motion for Summary Judgment, dated May 27, 2016, Declaration of Lawrence Weinberg, dated May 27, 2016, Declaration of Nicole Robinson, dated May 25, 2016, and Declaration of Denise Lorelli, dated May 21, 2016, upon defendant's attorney, Son Le, Esq., whose address is The City of New York Law Department, 100 Church St., New York, New York, 10007 by filing such documents via electronic filing to the Southern District of New York CM/ECF system, which will send notification to the above.

Respectfully submitted,

/s

LAWRENCE D. WEINBERG (LW7841)

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Date: May 27, 2016